IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 14633 of 2007(P)

PETITIONERS:
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1. **SAJI KUMAR.K., AGED 38,**
   S/O.KUNJIKITTAN, NANDANAM, SOUTH KOCHUMURI,
   OACHIRA P.O., ALLEPPEY DISTRICT.

2. **SUNITHA, AGED 38,**
   W/O.SAJI KUMAR.K., NANDANAM, SOUTH KOCHUMURI,
   OACHIRA P.O., ALLEPPEY DISTRICT.

BY ADV. SRI.AJAYA KUMAR. G,
ADV. SRI.KIRAN SANKAR.

RESPONDENTS:
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1. **SUB INSPECTOR OF POLICE, KAYAMKULAM.**

2. **SUB INSPECTOR OF POLICE, OACHIRA.**

3. **SUB INSPECTOR OF POLICE, ALLEPPEY.**

4. **RAMESHAN, S/O.KOCHU PAPPU,**
   AGED 42, ALUMOOTTIL THARAIL, SOUTH KOCHUMURI,
   OACHIRA POST.

BY GOVERNMENT PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.14633/2007-P:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE COMPLAINT FILED BY THE P.2. BEFORE THE R.1. DTD. 01/03/2007.

EXT.P.2: COPY OF THE COMPLAINT FILED BY THE P.1. BEFORE THE SUPERINTENDENT OF POLICE, ALLEPPEY DTD. 17/03/2007.

EXT.P.3: COPY OF THE LETTER DTD. 18/03/2007 SENT TO THE R.3. BY THE COMMANDING OFFICER.

EXT.P.4: COPY OF THE REQUEST FOR PROTECTION OF A SERVING SOLDIER'S FAMILY FILED BY THE PETITIONER BEFORE THE COMMISSIONER OF POLICE, ALLEPPEY DTD. 07/03/2007.

EXT.P.5: COPY OF THE COMMUNICATION BY THE COMMANDING OFFICER SENT TO THE COMMISSIONER OF POLICE, ALLEPPEY DTD. 07/03/2007.

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 14633 OF 2007-P

Dated 18th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The 1st petitioner is a soldier and the 2nd petitioner is his wife. They are residing in the 2nd petitioner's house. The 4th respondent is a person in the neighbourhood. The petitioners have a complaint against the 4th respondent that he along with few others trespassed into their property and broke the window panes of their residential building. So, the 2nd petitioner complained about the same before the S.I of Police, Kayamkulam. Thereafter, because of the influence of the 4th respondent, police officers from various places are making unscheduled visits to their house. They are harassing the 2nd petitioner and others residing there. Therefore, the petitioners have filed various petitions before the superior police officers and thereafter, this writ petition is filed, seeking appropriate reliefs.

2. The 1st respondent has filed a statement, in which it is submitted that the 2nd petitioner's brother is a criminal involved in several cases

registered by the police of various places. Therefore, in search of the brother of the 2nd petitioner, the police are coming there. They have no intention whatsoever to harass the 2nd petitioner or other family members. The allegations to that effect are denied by the police.

3. Having regard to the facts of the case, we feel that the police should be conceded freedom to investigate the crimes registered against the brother of the 2nd petitioner and also to take effect steps to arrest him. But, in that process they should ensure that no harassment is meted out to the 2nd petitioner or other family members. If the police wants to question the 2nd petitioner or other family members, they shall be summoned by issuing notice in accordance with law.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/